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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,845	01/05/2001	Charles D. Sims	D-5118	5338

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EXAMINER

ABRAMS, NEIL

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/755845

Applicant(s)

Examiner

Group Art Unit

2839

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-43 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-25, 28, 29, 31-38, 41, 42 is/are rejected.
- ☒ Claim(s) 26, 27, 30, 39-40, 43 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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Title should refer to vehicle use.

Abstract, lines 11, 13 should read "component (cable)" since it is believed to be the cables that are referred to. Lines 11-16 "A first ... another" should be condensed and sentences added referring to "switch and relay use" and to connection of "relay to battery".

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, claim 14, etc, feature of the relay constructed to be connected to "two" electrical circuits must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Figs. 9, 11 only show wires for a single circuit to relay 30. These wires should also be accorded numerals and referred to in the spec by such numerals with respect to the two circuits.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawes.

The Hawes assembly includes a mounting module 30, and a connector with rigid body 19 and first and second terminals at 17, 18 and 20, 21 for joining wires 24, 25, 28. Claim 2 also met by Hawes. For claim 3, note insulation part 11. Claims 5, 6 also met by Hawes assembly with insulator 10. All metal portion to left of 19 are read as first terminal.

Claims 7 and 8 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes in view of Julian and Martinez.

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For claim 7, the Hawes terminal lacks a threaded shaft and shoulders. Julian figs. 1, 6 discloses such features. It would have been obvious to use these features in Hawes for easier wire attachment. Claim 8 relates to obvious choice of amperage.

For claim 18, it would have been obvious to use Hawes in a vehicle panel in view of Julian, <sup>and Martinez</sup> see abstract. This would be a standard use. Claim 18, lines 1-8 relate to standard vehicle features which, in claims 18-23, are not tied in with the mounting or connection modules and cannot be relied upon for patentability.

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stupakoff.

See fig. 4, mounting module 7 and connection module 3, 5, 9.

Claims ~~2-9~~<sup>9</sup> and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupakoff in view of Julian <sup>and Martinez</sup>.

For claims 2, 19, Stupakoff lacks an "always conductive path" due to use of fuse 18. It would have been obvious to form Stupakoff pin as a continuous metal part in view of Julian at 11. This would simplify the structure. Also obvious, for claims 7, 8, 18 to form the Stupakoff pin with threaded parts and shoulders in view of Julian, figs. 1, 6 for easier cable connectors and for claim 18, to use the Stupakoff pin in a vehicle in view of Julian, <sup>and Martinez</sup> that being a standard use.

Claim 18, lines 1-8 treated as discussed above. <sup>Claim 9 met by use of fuse 18 as a switch by removal and replacement.</sup>

Claims 1, 9-25, 28, 29, 31-38, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer alone or taken in view of Hawes, Julian <sup>Stupakoff</sup> and Butterfield.

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Dyer discloses a mounting module 102, and part 20 read as a connection module. The casing 62 is read as a rigid body with terminals 22, 30. Components are shown at 26 and 34. The Dyer wire connection at 30 seems adequate. Should this be at issue Butterfield at 46, 48 and Stupakoff fig. 4 at 6, 12 show wire connections to threaded pins. Obvious to use such feature in Dyer at 30 for easier wire attachment.

For claims 9, 10 the part 20 forms a switching device and also forms a relay type switch controlled by a circuit in wire 48. For claim 11, note insulators 164, 166. Also obvious to use a unitary insulator in view of Julian at 24 and Stupakoff at 11, 16. Claims 11-13 met by such combination. For claim 14, Dyer relay 20 is not latching type controlled by two circuits.

However this type relay is admittedly well known. Obvious to use such type in place of relay 20 for greater control features. It is believed that such use of a relay between a battery and a starter motor is known and applicant is urging patentability based on wiring and mounting feature that do not overcome that of Dyer at 162, 22, 134.

For claim 15, obvious to use threaded shafts with shoulders in view of Butterfield at 37, 46 and Julian at 21, 12. Claim 16 relates to obvious choice of amperage. Claims 17, 18 treated as discussed above.

For claim 19, relay 20 serves as a terminal mounted on wall 162 for connecting wires between parts 34 and 26. It would have been obvious to replace such part 20 with a terminal of the Hawes type. This would provide simplification should the relay feature not be required.

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Claims 20-24 met by such combination. For claim 25, choice of cable type should be an obvious design matter. Claims 28, 29, 31, 32, 33, 34, 35, met by above combination.

Claims 36-38, 41, 42 treated as discussed above.

For claim 18, also note that the cables are readable as components and that the cables at 30 and 22 are on different sides of panel 162. For claim 24 also obvious that battery 34 would be on the terminal 30 side of panel 26 for enabling shorter cables to be used.

Claims 18-25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amend in view of Julian Goertzen, and Saulters.

For claim 18, Amend part 15 forms a mounting module with battery 12, post 13 on one side. A starter would typically be adjacent (on the other side) of cover 15 and be connected by cable 22. Saulters fig. 1 added to show typical arrangement of battery and starter at 3, 5.

Obvious to use same in Amend with cable 22 joined to the starter. The Amend pin 10, 17, 18 includes a rigid body 18 and first and second terminals 16, 17. Claim 18, lines 1-8 relate to standard vehicular features which cannot be relied upon for patentability. Claims 19-23 met by the Amend terminal with insulation 19 (Fig. 3).

For claim 24, obvious to include starter 25, obvious to form 17 as a threaded part in view of Julian and to fix a cable thereto for connection to the batteries in view of Goertzen. This would enable stronger connections to the battery posts. Claims 28, 29 met by Amend modified as discussed above.

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For claims 18-25, 28, 29 should issues arise, also obvious to use Amend, as discussed above but with both terminal sides formed with threaded studs as in Julian, fig. 1. This would enable wires to be easily connected to the batteries.

Claims 26, 27, 30, 39, 40 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to N. Abrams at telephone number 308-1729.

Abrams/ek

07/10/03

  
NEIL ABRAMS  
EXAMINER  
ART UNIT 322  
(see page 7)

Claims 1,9,10,17,18,31,32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Archer alone or <sup>taken</sup> in view of Dyer.

Archer fig 5, discloses a system with module mount 64 and a connection module 18 having a first terminal 78 and a second terminal 76 all held by rigid body 59,66, etc with terminal 78 penetrating an opening in support 64. The wires from 78,76 extend to components, the starter circuit in 13 read as a component. Since the component in 13 is not shown it alternatively is asserted that the wire from 78 would obviously be joined to such component that being necessary for operation. Should issues arise other features, if not taught by Archer, also considered to be obvious variations. For claims 9, 10, 31, 32 note switch, relay 19, 91, etc. For claim 17 use of one known type relay for another considered obvious variation. Also note that for claim 10, 31, 32 Archer relay is not electrical. Dyer shows electrical relays to be well known. Obvious to use such type in Archer. Electric controls are believed to be less expensive. Claim 18 lines 1-8 treated as above.

NEIL ABRAMS  
EXAMINER  
ART UNIT 2839

*M. a*